

REMARKS/ARGUMENTS

The Applicant notes that claims 1-20 presently stand rejected by the Examiner under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,982,748 to Yin (hereinafter "Yin") in view of US Patent No. 6,515,964 to Cheung (hereinafter "Cheung"). The Applicant also notes that claims 3, 10 and 17 presently stand rejected under 35 USC § 103(a) as being unpatentable over Yin and Cheung in further view of US Patent No. 5,550,816 to Hardwick (hereinafter "Hardwick").

The Applicant has amended base claims 1, 8 and 14 to claim with particularity the three or more access tiers disclosed in the present application. Applicant submits the above amendment to the claims is fully responsive to the Examiner's rejections under 35 USC § 103(a), in that by these amendments, the graduated levels of access facilitates granularity in control of caller access to a network and resource usage not previously disclosed or suggested in the cited art. The embodiments of the present application as claims are distinguishable over the cited art in that the prior art more than merely drops calls without distinguishing caller priority in the face of a spectrum of resource states. Applicant has added new dependent claims 21-23. The Applicant notes then that claims 1-23 are pending.

Applicant respectfully submits the embodiments of the invention as claimed in claims 1, 8 and 14 are not anticipated and are not made obvious by Yin, Cheung and Hardwick, taken together or separately. The Applicant respectfully submits the dependent claims 2-7, 9-13, and 15-23 are each dependent on a novel and unobvious base claim and accordingly merely add further limitation.

In view of the above amendments and remarks, consideration and favorable action on claims 1-23 are respectfully requested. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Amdt. Dated October 7, 2003
Reply to Office action mailed July 7, 2003

Should any question remain in view of his communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. **02-3979**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael B. Brooks', written in a cursive style.

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